

Appln No. 10/561,741
Amdt date December 14, 2009
Reply to Office action of August 18, 2009

REMARKS/ARGUMENTS

Claims 1-35 are pending in the application.

Applicant's attorney, Saeid Mirsafian, conducted a telephone interview with Examiner William Joyce on November 30, 2009. Applicant's attorney proposed amending claims 1 and 20 to recite "wherein the base part is pivotable relative to the bearing element" in order to overcome the 35 U.S.C. 102(b) rejections over Heurich (U.S. Patent 4,125,298). Examiner Joyce stated that the proposed amendments overcome the rejections over Heurich subject to further search and consideration. Applicant would like to thank Examiner Joyce for his time and effort devoted to the interview.

Claim 11 has been rejected under 35 U.S.C. 112, second paragraph, for being indefinite. Applicant has amended claim 11 to recite "wherein the recess is defined by a material displacement area in the form of a blind hole." Support for this claim is found in the originally filed claim 11. Applicant believes this amendment overcomes the rejection under 35 U.S.C. 112, second paragraph.

Claims 1-9, 11-14, 20-24, 32 and 35 have been rejected under 35 U.S.C. 102(b) over Heurich (U.S. Patent 4,125,298). Applicant has amended claim 1 to recite "wherein the base part is pivotable relative to the bearing element." *See Amended specification, page 6, lines 21-25 and page 8, lines 26-31.* Heurich does not teach or suggest the noted limitation of claims 1 and 20.

Referring to FIG. 4 of Heurich, a shaft 4 is fixedly connected to an inner race 6 with a plastic deformation of the shaft 4 such that a portion of the shaft protrudes into a groove 6' of the inner race 6. The outer race 1 is fixedly connected to the housing 2 by deformation of the housing such that a portion of the housing protrudes into the groove 3. Accordingly, the inner race 6 is not pivotable relative to the shaft 4 and the outer race 1 is pivotable relative to the housing 2. Therefore, Heurich does not teach or suggest "wherein the base part is pivotable relative to the bearing element" as recited in claim 1.

Applicant has also amended claim 20 to further define aspects of the disclosure and to also recite "wherein the base part is pivotable relative to the bearing element." No new matter is

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added. For the reasons discussed above regarding patentability of claim 1, Applicant believes that claim 20 is patentable over Heurich.

For the above reasons, Applicant believes that claims 1-9, 11-14, 20-24, 32 and 35 are patentable over Heurich.

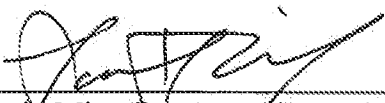
Claims 17, 33 and 34 have been rejected under 35 U.S.C. 103(a) over Heurich. Because claim 1 is patentable over Heurich, claims 17, 33 and 34, which depend on claim 1, are also patentable over Heurich.

Claims 18 and 19 have been rejected under 35 U.S.C. 103(a) over Heurich in view of Bolgiano (U.S. Patent 1,616,578). Because claim 1 is patentable over Heurich, claims 18 and 19, which depend on claim 1, are also patentable over Heurich in view of Bolgiano.

Applicant believes that the claims are now in condition for allowance.

Respectfully submitted,
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